IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 9420 of 2006

DATE OF DECISION: 23.1.2007.

HC Harjinder Singh ....Petitioner.

Versus

Director General of Police and others ..Respondents.

CORAM: HON'BLE MR.JUSTICE J.S. KHEHAR
HON'BLE MR. JUSTICE S.D. ANAND

PRESENT: Mr.K.G. Chaudhary, Advocate
for the petitioner.

Mr. B.S. Chahal, AAG Punjab,
for respondents No.1 to 3.

Mr.S.K. Sharma, Advocate for
Mrs.Daya Chaudhary, Asstt.Solicitor General
of India, for respondents No.4 and 5.

J.S. Khehar, J. (oral)

Through the instant writ petition, the petitioner has impugned the order dated 8.6.2006 (Annexure P-3), vide which the petitioner had been sent back from the Intelligence Bureau to his parent department and was posted in the office of the Superintendent of Police, Ferozepur.

In so far as the repatriation of the petitioner from the Intelligence Bureau to his parent department is concerned, the claim of

the petitioner to insist that he desires to continue to render services on deputation, is clearly misconceived, specially on account of the following factual position noticed in our earlier order dated 18.12.2006:-

> " During the course of hearing, learned counsel for respondents 4 and 5, on instructions from Mr. Ashok Mahajan, Assistant Director, Intelligence Bureau posted at Chandigarh, states that the petitioner was reverted from the Intelligence Bureau to the Parent Department on account of of the fact that he had started to draw salary which exceeded the maximum pay of the rank held by him, as he was not only entitled to his basic pay but was also entitled to deputation allowance. ..."

In view of the above, we find no merit in the prayer of the petitioner, desiring to continue in the employment of the Intelligence Bureau.

For the reasons recorded hereinabove, the instant writ petition is dismissed.

Despite the dismissal of the instant writ petition, it is the vehement contention of the learned counsel for the petitioner, that the petitioner should be permitted to continue in the CID Department, where he was posted, prior to his appointment by way of deputation to the Intelligence Bureau. In so far as the instant prayer is concerned, we leave it to the petitioner to move an appropriate representation to the competent authority, placing for its consideration, the entire factual position. In case, the petitioner makes such a representation within four weeks from today, along with a certified copy of this order, the same shall be disposed of by the competent authority by passing a well reasoned

speaking order within four weeks thereafter.

Disposed of accordingly.

Order dasti, on payment of usual charges.

(J.S. Khehar)
Judge

(S.D. Anand)
Judge

January 23, 2007.
vig